

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

C.A. No.7700/2007 in First Appeal No.607/2007

Keith De'Figueiredo S/o Late Mr. Ep'lphan

Vs.

Mrs. Marie Colette W/o De'Figueiredo.

Office Notes, Office Memoranda of Coram
appearances, Court's orders or directions
and Registrar's orders.

Court's or Judge's Orders

**CORAM : A.P. LAVANDE AND
R.V. MORE, JJ.**

DATED : 20th December, 2007

Heard Ms. P.D. Rane, learned counsel for
the appellant-applicant and Mr. K.V. Thomas, learned
counsel for the respondent.

By this application, the applicant seeks
modification of the order dated 1/10/2007 passed by
this Court disposing of the application filed by the
applicant seeking access to his children viz. Kenan and
Mariana.

We interviewed separately Kenan and

Mariana in the chamber on 19/12/2007 in order to ascertain their wishes. Kenan, who is aged about six years expressed his willingness to go out with his father-appellant but was not ready to stay with him overnight. Mariana was not even ready to go out with her father.

Having heard learned counsel for the parties, having considered the suggestions made by both the parties and considering the rights of the parties and the interest of the minder children, we modify the order dated 1/10/2007 as follows:-

- (i) The appellant is allowed to meet daughter Mariana and son Kenan at Nashik on 2nd and 4th Sunday on every month;
- (ii) The appellant shall be given access to the children from 10.00 a. m. to 1.00 p. m. and 3.00 p. m. to 6.00 p. m. on the above days. On these days only, the appellant is permitted to take Kenan out of the school premises between 3.00 p. m. to 6.00 p. m.;

(iii) The appellant is allowed to have access to the children on their birthdays for one hour between 5.00 p. m. to 6.00 p. m. He is also permitted to give gifts on birthdays of his children and also on other days when he is permitted to meet his children;

(iv) During the vacation whenever the respondent visits her maternal house at Nagpur with her children, the appellant is permitted to meet the children at their place of stay after giving prior intimation to the respondent and fixing the visit programme for the period of two hours between 2.00 p. m. to 4.00 p. m. on Tuesday and Friday and the appellant is permitted to take Kenan out with him between 2.00 p. m. to 5.00 p. m. on Wednesday.

Application stands disposed of in the aforesaid terms.

JUDGE

JUDGE

MLA